

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:20-cv-00359-MR**

DWIGHT WAYNE MOORE, JR.,

Plaintiff,

vs.

FNU FOX, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court *sua sponte*.

The *pro se* Plaintiff filed this action pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred at the Foothills Correctional Institution, where he is presently incarcerated. [Doc. 1]. On April 15, 2021, the Court issued an Order dismissing the Complaint on initial review and granting the Plaintiff 30 days in which to amend the Complaint. [Doc. 11]. The Plaintiff was cautioned that, should he fail to timely amend his Complaint, the action would be dismissed without prejudice and without further notice. [Id.].

Plaintiff has failed to file an Amended Complaint and the time to do so has expired. Plaintiff appears to have abandoned this action and the Court is unable to proceed. This case will therefore be dismissed without prejudice.

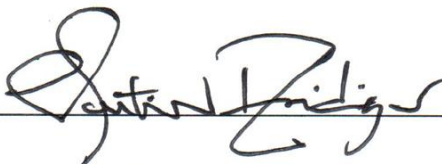
See Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Clerk of Court is directed to terminate this action.

IT IS SO ORDERED.

Signed: May 31, 2021



Martin Reidinger
Chief United States District Judge

